

AMENDMENT TRANSMITTAL LETTERDocket No.
AUT-10002/36Application No.
09/826,786-Conf. #4084Filing Date
April 5, 2001Examiner
J. R. LoftisArt Unit
3623

Applicant(s): Jean Patrick Montoya

Invention: METHOD AND SYSTEM FOR COLLECTING AND DISSEMINATING SURVEY DATA OVER THE INTERNET

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	11	- 30 =	0	x 26.00	0.00
Independent Claims	1	- 3 =	0	x 110.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

☐ Large Entity☒ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 07-1180
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

/John G. Posa/

Dated: December 8, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Montoya

Serial No.: 09/826,786

Group No.: 3623

Filed: April 5, 2001

Examiner: J. Loftis

For: METHOD AND SYSTEM FOR COLLECTING AND DISSEMINATING SURVEY
DATA OVER THE INTERNET

AMENDMENT IN RESPONSE TO EXAMINER'S ANSWER
UNDER 37 CFR §1.111

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer mailed October 6, 2008, Applicant hereby elects to reopen prosecution under 37 CFR §1.111 by submitting an amendment herewith. Please amend the above-referenced application as follows:

CLAIM AMENDMENTS

1. (Currently Amended) A method of collecting and disseminating survey information comprising the steps of:

establishing communication via the internet between a client and a survey collector having previously collected survey results, the results including a composite survey response;

receiving by the survey collector a request from the client for the previously collected survey results;

providing the client with a survey questionnaire from the survey collector;

providing access to the previously collected survey results to the client only if the survey collector receives a response to the survey questionnaire from the client, the results including a composite survey response that is unrelated to the survey questionnaire; and

rejecting the client's request for the survey results if a response to the survey questionnaire is not received from the client; ~~and~~

~~wherein the composite survey response is unrelated to the survey questionnaire.~~

2. (Canceled)

3. (Previously Presented) The method of Claim 1 further comprising the step of relating the survey questionnaire by subject matter to the previously collected survey results.

4. (Previously Presented) The method of Claim 3 wherein the request for the previously collected survey results and the survey questionnaire are related to automotive vehicles.

5. (Previously Presented) The method of Claim 3 wherein the step of providing the client with the survey questionnaire includes requesting the identifying indicia from the client.

6. (Previously Presented) The method of Claim 3 wherein the identifying indicia is a product identification number.

7. (Previously Presented) The method of Claim 3 wherein the identifying indicia is a VIN number.

8. (Canceled)

9. (Previously Presented) The method of Claim 1, including the steps of:
receiving by the survey collector identifying indicia from the client; and
correlating the identifying indicia with a database to determine if a relationship exists between the identifying indicia and the subject matter of the survey questionnaire.

10. (Previously Presented) The method of Claim 1, including the steps of:
receiving by the survey collector identifying indicia from the client; and
correlating the identifying indicia with a database to determine if a relationship exists between the identifying indicia and the client.

11. – 14. (Canceled)

15. (Previously Presented) The method of Claim 3 wherein the client is denied access to the previously collected survey results if no relationship is found between the indicia and the client.

16. (Previously Presented) The method of Claim 1 further comprising the step of assimilating the survey response into the composite survey response.

17. – 30. (Canceled)

31. (Previously Presented) The method of claim 1, further including the steps of:
receiving by the survey collector identifying indicia from the client;

correlating the identifying indicia with a database to determine if the client is a registered member; and

providing access to the previously collected survey results only if the client is also a registered member.

REMARKS

Claims 1-7, 9, 10 15, 16, and 31 were rejected under 35 U.S.C. §101 on the grounds that the claims recite only mental steps. By this Amendment, the limitation of claim 2—communication via the Internet—has been moved into claim 1 and claim 2 has been cancelled. The Internet is, no doubt, a thing, and not just a “mental step.” According to Wikipedia, the Internet “is a global system of interconnected computer networks that interchange data by packet switching using the standardized Internet Protocol Suite (TCP/IP). It is a ‘network of networks’ that consists of millions of private and public, academic, business, and government networks of local to global scope that are linked by copper wires, fiber-optic cables, wireless connections, and other technologies.” See <http://en.wikipedia.org/wiki/Internet>

For at least this reason, Applicant believes the Examiner’s new rejection under 35 U.S.C. §101 should be withdrawn.

Claims 1-3, 5, 9, 10, 15, and 16 stand rejected under U.S.C. §102(e) over West *et al.*, However, claim 1 includes the limitation of “wherein the composite survey response is unrelated to the survey questionnaire.” On page 10, first paragraph of the latest OA, the Examiner writes:

“..inherently West et al teaches composite survey results that are unrelated to the survey questionnaire. The system is set up for users to define survey questions wherein the results are tallied and stored (column 9 lines 62-67). Therefore the system does store ... responses, all of which may or may not be related. *As claimed* the results happen to include these composite survey responses that are not related to the survey questionnaire, but the composite survey responses have no bearing on any analysis done by the claim.”

It is Applicant’s position that the Examiner fails to appreciate the connection between the *previously collected survey results* provided to the client in step 4 of Applicant’s claim 1, and the *composite survey response* that is unrelated to the questionnaire of step 6. In other words, step 6 is meaningless in the context of this claim unless connected to step 4. The first sentence of claim 1 indicates that the previously collected survey results include a composite survey response, and in step 4, the client is provided access to those previously collected survey results which, as previously defined in the claim, include a composite survey response. Claim 1 has been amended to make this distinction

further evident by combining steps 4 and 6.

Although West's system can potentially store responses and composite survey results for unrelated questionnaires, West does not teach—implicitly or explicitly—that composite survey results for unrelated questionnaires are ever provided to the client as set forth in claim 1. In fact, it would make absolutely no sense to do so in the context of West's "live interactive online voting" system. West teaches (at col. 3 line 4-10) "the same index table holds the information to present *the survey* questions and to show the results to *the survey*... once the reader has cast a vote, the online voting system returns *the survey* with the voting tallies (but without the opportunity to vote again) so the reader can view *the survey* results." *The survey* the reader votes in is *the same survey* for which the online voting system returns the results. Indeed, West restricts voting *again* because the results provided are for *the same survey*.

In summation, it would make no sense in West's system to provide results that are unrelated to the survey in which the reader voted because the surveys are associated with the content of a specific web page (Fig. 6: at 158, 160, 162, 164), and only after returning to that same page (Fig. 6 at 156) are the results for the same survey provided to the reader (Fig 6: at 178, 180, 182, and 184). It would contradict the purpose of his system to provide results to unrelated surveys.

With regard to the rejection of claims 4, 6, 7 and 31 under 35 U.S.C. 103(a), since West fails to teach or suggest all of Applicant's limitations of claim 1, the dependent claims should be deemed allowable as well.

Based on the foregoing amendments and comments, Applicant believes the present application is in condition for allowance. Questions regarding this application may be directed to the undersigned attorney at the telephone and facsimile numbers provided.

Respectfully submitted,

By: 

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